

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/7/2008 have been fully considered but they are not persuasive. Applicant argued in substance that –

(A) The prior art of Johansson fails to disclose that “the header of each block comprises an acknowledgement control field activated intermittently by the sending unit so as to request an acknowledgement of blocks by the receiving unit”

(B) The prior art of Johansson fails to disclose “the acknowledgement control field for some blocks of the sequence of blocks is activated in accordance with a predetermined triggering mode”

(C) The prior art of Johansson fails to disclose “the activation of the acknowledgement control field is repeated for at least one block of the sequence that was sent after a block where the acknowledgement control field has been activated in step a”

2. **As to point (A)**, Applicant argued that “the Examiner has not provided specific support in the cited reference for this feature of the claims”. In response to applicant's arguments, the recitation “the header of each block comprises an acknowledgement control field activated intermittently by the sending unit so as to request an acknowledgement of blocks by the receiving unit” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded

any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Nevertheless, Johansson discloses each data unit including data bit field for carrying control information including polling bits, separate of data fields as shown at Page 5 lines 6-12 and Figures 5A and 7. As such, Applicant's argument is not found to be persuasive.

3. **As to point (B)**, Applicant argued that Johansson fails to disclose "the acknowledgement control field for some blocks of the sequence of blocks is activated in accordance with a predetermined triggering mode". However, Johansson discloses the use of a polling bit activated in one or more data units of a group which define a request to send a selective acknowledgement PDU based upon a predetermined polling period (Page 8 lines 18-22, Page 10 lines 12-22). As such, Applicant's argument is not found to be persuasive.

4. **As to point (C)**, Applicant argued that Johansson fails to disclose "the activation of the acknowledgement control field is repeated for at least one block of the sequence that was sent after a block where the acknowledgement control field has been activated in step a". However, Johansson discloses activating the polling bit in at least one block

in the sequence that was sent after a block where the acknowledgement control field has been activated at Page 2, lines 20-27. As such, Applicant's argument is not found to be persuasive.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Johansson et al. (WO 00/49761), hereinafter referred to as Johansson.

a. As per claim 1, Johansson discloses a method of transmitting data in acknowledged mode between a sending unit and a receiving unit, in which the sending unit sends the receiving unit a sequence of blocks each comprising a header and data to be transmitted, and in which the header of each block comprises an acknowledgement control field activated intermittently by the sending unit so as to request an acknowledgement of blocks on the part of the receiving unit, the method comprising the following steps:

/a/ the acknowledgement control field for some blocks of the sequence is activated in accordance with a predetermined triggering mode (Page 2 lines 1-14, Page 8 lines 8-22, Page 10 lines 12-22); and

/b/ the activation of the acknowledgement control field is repeated for at least one block of the sequence that was sent after a block where the acknowledgement control field has been activated in step /a/ (Page 2 lines 20-27, Page 5 line 25 though Page 6 line 12, Page 11 lines 5-15).

b. As per claim 2, Johansson discloses wherein step /a/ comprises the activation at regular time intervals of the acknowledgement control field for blocks of the sequence (Page 9 line 22 through Page 10 line 22).

c. As per claim 3, Johansson discloses wherein step /b/ comprises the repetition of the activation of the acknowledgement control field for N consecutive blocks of the sequence that were sent just after the said block where the acknowledgement control field has been activated in step /a/, N being a number at least equal to 1 (Page 5 line 25 though Page 6 line 2, Page 9 line 9 through Page 10 line 22).

d. As per claim 4, Johansson discloses wherein $N > 1$ and the said N blocks are sent to the receiving unit at regular time intervals (Page 5 line 25 though Page 6 line 2, Page 9 line 9 through Page 10 line 22).

e. As per claim 5, Johansson discloses wherein the duration for which the said N blocks are sent is substantially shorter than the time intervals between the sendings of blocks where the acknowledgement control field is activated in step /a/ (Page 9 line 9 through Page 10 line 3).

f. As per claim 6, Johansson discloses wherein the receiving unit is instructed such that after having received a first block of the sequence having the acknowledgement control field activated, it takes no account of the possible activation of the acknowledgement control field for another block of the sequence that was received in a period of predetermined duration after the said first block (Page 5 lines 22-24, Page 10 lines 12-22, Page 11 lines 5-15).

g. As per claims 7,9,16, and 18, Johansson discloses wherein the said predetermined duration corresponds substantially to N times a time interval separating the sendings of two consecutive blocks of the sequence (Page 9 line 25 through Page 10 line 3).

h. As per claim 8, Johansson discloses wherein the receiving unit is instructed such that after having returned acknowledgement information in response to the receipt of a first block of the sequence having the acknowledgement control field activated, it prohibits the dispatching of acknowledgement information in a period of predetermined duration after the said first block of the sequence (Page 5 lines 22-24, Page 6 lines 8-12, Page 10 lines 12-22).

i. As per claim 10, Johansson discloses a unit for transmitting data in acknowledged mode, comprising means for producing at least one sequence of blocks each comprising data to be transmitted and a header including an acknowledgement control field, means for sending the blocks of the sequence to a receiving unit, and means of intermittent activation of the acknowledgement control field in the header of the blocks of the sequence so as to request an acknowledgement of blocks on the part

Art Unit: 2142

of the receiving unit, in which the means of intermittent activation comprise first means for activating the acknowledgement control field for some blocks of the sequence in accordance with a predetermined triggering mode, and second means for repeating the activation of the acknowledgement control field for at least one block of the sequence that was sent after a block where the acknowledgement control field has been activated by the said first means (Page 2 lines 1-14, Page 5 line 25 though Page 6 line 12, Page 8 lines 8-22, Page 9 line 9 through Page 10 lines 12-22, Page 11 lines 5-15).

j. As per claim 11, Johansson discloses wherein said first means are arranged so as to activate at regular time intervals the acknowledgement control field for blocks of the sequence (Page 9 line 22 through Page 10 line 22).

k. As per claim 12, Johansson discloses wherein said second means are arranged so as to activate the acknowledgement control field of N consecutive blocks of the sequence that were sent just after the said block where the acknowledgement control field has been activated by the said first means, N being a number at least equal to 1 (Page 5 line 25 though Page 6 line 2, Page 9 line 9 through Page 10 line 22).

l. As per claim 13, Johansson discloses wherein $N > 1$ and the said N blocks are sent to the receiving unit at regular time intervals (Page 5 line 25 though Page 6 line 2, Page 9 line 9 through Page 10 line 22).

m. As per claim 14, Johansson discloses wherein the duration for which the said N blocks are sent is substantially shorter than the time intervals between the sendings of blocks where the acknowledgement control field is activated by the said first means (Page 9 line 9 through Page 10 line 3).

n. As per claim 15, Johansson discloses means for instructing the receiving unit in such a way that after having received a first block of the sequence having the acknowledgement control field activated, the receiving unit takes no account of the possible activation of the acknowledgement control field for another block of the sequence that was received in a period of predetermined duration after the said first block (Page 5 lines 22-24, Page 10 lines 12-22, Page 11 lines 5-15).

o. As per claim 17, Johansson discloses means for instructing the receiving unit in such a way that after having returned acknowledgement information in response to the receipt of a first block of the sequence having the acknowledgement control field activated, it prohibits the dispatching of acknowledgement information in a period of predetermined duration after the said first block (Page 5 lines 22-24, Page 6 lines 8-12, Page 10 lines 12-22).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2142

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GRANT FORD whose telephone number is (571)272-8630. The examiner can normally be reached on 8-5:30 Mon-Thurs alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gmf
/Grant Ford/
Examiner, Art Unit 2141

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit 2142